

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED BY *AC* D.C.

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THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 04-20348 B

RAYMOND WAYNE BECTON,

Defendant.

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ORDER DENYING DEFENDANT'S MOTION FOR A CONTINUANCE

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Before the Court is the motion of the Defendant, Raymond Wayne Becton, for a continuance of 60 days for his surrender to federal custody, based on his need to resolve issues concerning a lawsuit against the former co-owner of his computer business. According to a telephone call made to chambers by a representative of Becton's counsel at approximately 1:30 p.m. on October 31, the Defendant was to surrender at 2:00 p.m. the same day. The call also sought confirmation that a facsimile version of the order, which had not yet been filed with the Court, sent that morning had been received. No fax had been received and it was determined that the motion had been sent to the wrong fax number. Moreover, counsel's representative could not confirm the Assistant United States Attorney assigned to the case had been consulted concerning the request as required by LCrR12.1(b) of the Local Rules of this district. A file-stamped copy of the motion was received by chambers the following day, November 1, 2005, reflecting a filing time of 3:22 p.m. on October 31. The filed version of the motion did not include the certificate of consultation mandated by the Local Rule, which provides that "[f]ailure to file an accompanying certificate of consultation may be deemed good grounds of denying the motion." (LCrR12.1(b), Local Rules of the U.S. Dist. Ct. for the W.

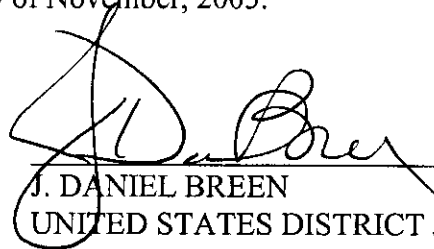
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Dist. of Tenn.)

Based on the motion's noncompliance with Local Rules, as well as its tardiness, as the Court assumes Becton was aware of his lawsuit long before the morning of his surrender, the motion is DENIED.

IT IS SO ORDERED this 1<sup>st</sup> day of November, 2005.



J. DANIEL BREEN  
UNITED STATES DISTRICT JUDGE



## Notice of Distribution

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Honorable J. Breen  
US DISTRICT COURT